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The White Flag

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THE WHITE FLAG

In the long history of the American Indians no name is more widely known than Osceola. At the time of his death especially, he was talked of throughout the entire country. Towns in a score of states were named for him, and there are three counties which bear his name - in Iowa, Michigan, and Florida. This was largely because of a small piece of white cloth: the violation of a flag of truce under the orders of General Jesup, then in command of the Army in Florida. Standing under the white flag, Osceola was seized, imprisoned, and died soon afterwards in captivity. He was a remarkable man; but, except for that seizure, would not have been known outside of Florida and the nearby states which furnished volunteers for the war.

Was General Jesup justified in the violation? Both sides are presented here. Included are Jesup's official reports to the War Department, and his letter in defense of his action, written twenty years afterwards. Also, an effort is made to present the side of the Indians through other contemporaneous documents, though these were not written for that purpose, and most of them are from the records of the Army. (*Ed.*)

It seems the Army, as would be expected, approved the seizure, if not all the men individually. Doubtless the majority of Floridians, in sympathy with those near the Indian region, also approved; even though they had lived at peace with all the Indians for years, and many had good friends among them. On the frontier the settlers had been driven from their homes to congregate in the towns for protection by their own rifles and those of the Army and militia; for at times they were in fear of their lives from the lawless element of the Indians and Negroes, who could not be restrained by the more peaceable chiefs. A few of the whites had been shot and scalped and many homes plundered and burned by that element.

The End Justified the Means (?)

So, with some of the settlers it was a question of survival, and to them and to most Floridians, the end justified the means. Some historians agree with that - that the Indians were to be captured, even by any subterfuge. Jesup, in his defense avoids that plea, except perhaps through implication. His contention is that the white flag, which he himself suggested to the Indians that they make use of, was not strictly a flag of truce.

Sentiment and approval changed with distance, and throughout the country was overwhelmingly against General Jesup's action. He made every effort, then and later, to justify the seizure, but condemnation became so widespread by the public at large as well as in Congress, that the Secretary of War was asked by Congress for a report, and the House of Representatives published the several reports as their *Document 327*: "Letter from the Secretary of War in reply to A Resolution of the House of Representatives . . . as to whether any Seminole Indians coming in under a flag of truce, or brought in by Cherokee Indians acting as mediators, have been made prisoners by Gen. Jesup."

Below are extracts from General Jesup's reports to the Secretary of War and the Quartermaster General, together with the report of General Hernandez.

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St. Augustine, October 20, 1837.

(Confidential.)

Lt. R. H. Peyton, Fort Peyton.

Should Powell [Osceola] and his warriors come into the fort, seize him and the whole party. It is important that he, Wild Cat, John Cowagee, and Tustenugge, be secured. Hold them until you have my orders in relation to them.

THOMAS S. JESUP,
Maj. Gen. commanding.

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St. Augustine, October 22, 1837.

Hon. J. R. Poinsett,
Secretary of War

Sir: . . . I have the satisfaction to inform you that Asseen Yoholo (Powell) [Osceola] is my prisoner, with nearly all the war spirits of the nation. The chief came into the vicinity of Fort Peyton on the 20th and sent a messenger to General Hernandez, desiring to see and converse with him. The sickly season being over, and there being no further necessity to temporize, I sent a party of mounted men, and seized the entire body, and now have them securely lodged in the fort. . . .

TH. S. JESUP

- - - -

Picolata, November 17, 1837

Major T. Cross
Acting Quartermaster General
Washington city.
Dear Sir:

. . . I desire that the seizure of Powell and the other chiefs and warriors may be understood by my friends. . . .

I gave Lieutenant Powell a confidential order to seize them if they should come into the fort. I learned from General Hernandez that they could not be induced to come into the fort, and the messenger whom they sent in desired the general to meet them in their camp without an escort, saying he would be perfectly safe among them without troops. . . . I had no doubt the intention of the Indians was to seize a sufficient number of officers to exchange for Philip and the Euchee chiefs. . . . I informed him [Gen. Hernandez] that I was inclined not to permit the Indians to escape, and I gave him a memorandum of the heads of the conversation I desired him to hold with them. [:]

Ascertain the object of the Indians in coming in at this

time; also their expectations. Are they prepared to deliver all the negroes taken from the citizens at once? Why have they not surrendered them already, as promised by Coa-Hajo, at Fort King? Have the chiefs of the nation held a council in relation to the subjects of the talk at Fort King? What chiefs attended that council, and what was their determination? Have the chiefs sent a messenger with the decision of the council? Have the principal chiefs, Micapony, Jumper, Cloud, and Alligator sent a messenger; and if so, what is their message? Why have not these chiefs come in themselves?

The general departed to Fort Peyton accompanied by a number of officers and citizens. I followed . . . [and sent] orders to General Hernandez to seize all the party if the talk was not satisfactory. . . . Their answers were evasive and unsatisfactory . . . and I sent an order to seize them.

TH. S. JESUP

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In the following July, by resolution, the Senate, through the President, requested a report from General Jesup "of his operations whilst commanding the army in Florida." The report (eight printed pages) was published in the Senate series of documents.¹ The following are extracts from that report:

Washington City, July 6, 1838.

To the Hon. J. R. Poinsett,
Secretary of War
Sir:

. . . the commanding office at Fort King reported the arrival of several Indians in the vicinity of that post; and stated that the chiefs were desirous of communicating with me. I proceeded thither and held conferences with them. . . . They ex-

1. 25th Congress, 2nd. Senate Doc. 507 (July 7, 1838)

pressed an earnest desire for peace, but declared the majority of the Indians to be averse to leaving the country. They were distinctly informed that preparations to emigrate must be preliminary to any discussion in relation to peace; that I would confer with them on no other subject; that they must make up their minds to fulfil their treaty and emigrate; that when prepared to communicate to me that determination, a deputation would be received from them; and they were directed to use a white flag to secure them from the attacks of any of our scouting parties that might be out at the time of their approach; . . . [Coa Hadp] said that the chiefs of the nation proposed a council on the St. Johns in a few days, where their whole policy would be discussed, and particularly, at his instance, the question of emigration; but he was certain that Appiacca would prevent the council if possible, or at all events oppose the execution of the treaty. . . . In the mean time he desired that hostilities should cease on both sides. Being then in the midst of the sickly season, I assented. . . but few chiefs attended the council, and those who attended, though they made a law to punish any of their people who should commit depredations upon the white inhabitants, decided not to leave the country.

As I had informed the chiefs at Fort King that I would hold no communication with the Seminoles unless they should determine to emigrate; as I had permitted no Indian to come in for any other purpose but to remain; as they were all prisoners of war, or hostages who had violated their parole; as many of them had violated the truce entered into at Fort King, by occupying the country east of the St. Johns, by allowing predatory parties to go to the frontier, and by killing at least one white man, and as the white flag had been allowed for no other purpose than to enable them to communicate and come in without danger of attack from our parties, it became

my duty to secure them on being satisfied of the fact that they intended to return to their fastnesses. . . . I accordingly required General Hernandez to seize them. . . .

[sometime later] . . . it was reported to me that several Indians were waiting for me with a flag. I met them. A young chief, Halleck-Hajo, conducted the conference on their part. He spoke of the wretched condition of the Indians, and of their ardent desire for peace; but declared that the greater part of them wished to remain in the country; that they would thankfully receive from us any part of it, however small, that we might think proper to assign for their residence. He added that if required to leave the country they must go. I demanded hostages or the surrender of their arms. He would not consent to either, from the impossibility of enforcing obedience to such a measure. . . .

I directed the Seminole chiefs to meet me in council on the 20th. None of the chiefs attended the council, and I directed Colonel Twiggs to seize the whole party. . . .

The villages of the Indians have all been destroyed; and their cattle, horses, and other stock, with nearly all their other property, taken or destroyed. . . ; and the small bands who remain . . . have nothing of value left but their rifles. . . .²

I have the honor to be,

Sir, very respectfully,

Your obedient servant,

THOMAS S. JESUP

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As we have no similar Seminole report from their angle of the seizure, and in an effort to include their side, it should be suggested that perhaps the Indians did not receive or did not understand Jesup's message stating that

2. It might interest the reader to know that the Seminoles continued the war for four years longer.

the white flag in this instance should have a different significance from that to which they were accustomed - one which, in accordance with his orders, was to be quite different from its use throughout history. (*Ed.*)

The various agreements with the Indians were usually made with a mere handful, and these few in making them, would often deny that they had any authority to speak for anyone but themselves - pointing out the impossibility of their compelling obedience on the part of the others. This was one of the basic causes of the war.

Another cause of continuous disagreement was the fact that all councils with the Indians, including Osceola who spoke no English,³ had to be carried on through an interpreter, usually a Negro.

Criticism of the seizure of Osceola and his band was not silenced by General Jesup's explanations. If the Army approved, the public through the years continued to criticize his action, so much so that, twenty years later he came to his own defense again in a statement to the *Daily Intelligencer* (Washington) October 13, 1858:

STATEMENT BY MAJOR-GENERAL JESUP

A matter has recently been brought into discussion with which my name was connected some twenty years ago, and, though explained at the time, seems not even now to be well understood. It has been published in a neighboring print, on the authority of a distinguished professional and public man, that the Seminole Indian warrior Osceola, who by the murder of General Thomson [!] and other atrocities began the Seminole war, "was captured by treachery and fraud," . . .

3. Catlin, Geo.: *Letters . . . N. American Indians*. London, 1844, II. 220; Staff Officer: *The War in Florida*, Baltimore, 1838, 158; Storrow, Thos. W.: *Osceola*. . . . Knickerbocker, XXIV, 445.

. . . I, as the representative of the Government, ordered the seizure and retention of that warrior.

Osceola had come into Fort Peyton, a few miles from Saint Augustine, not on my invitation nor that of any other officer; . . .

In a conference which I held with the Seminole chiefs, at their own request, but a few weeks before, I had assured them that I would hold no further conference with them except to receive from them the notice of their readiness to fulfill their obligations under the treaty at Payne's Landing and of their capitulation with me at Fort Dade; . . .

The chiefs expressed some apprehension that in coming to me they might be attacked by my scouting parties, and their people be scattered. To enable them to join me without danger of attack from these parties, I provided them with a quantity of white cotton cloth, to be used as flags in communicating with any of those parties they might fall in with, and with my outposts; but the flags were to be used for no other purpose. And the chiefs were distinctly and positively told that none of them nor their people must attempt to come in again but to remain. When Philip's messenger, his son Coacoochee, left Saint Augustine to communicate with his people on the St. John's, there were but few troops at the post. On meeting with Osceola he informed him that he could with an hundred warriors take the place and release his father. Warriors enough arrived to have taken the place had the force not been increased; but, before they came in, I had thrown in large reinforcements. I had become acquainted with their designs through Indian negroes some of whom remained with the Indians and possessed the contract pay, and I received from them information of all that took place, or was about to take place, among them. When Osceola found there was no

chance of taking Saint Augustine, nor of releasing the prisoners, he determined to return, as I was informed by the Indian negroes about him. But he, with all who had accompanied him, had come in with the distinct understanding that they were not to return. He was a prisoner who had violated his parole of honor; he had killed one of my messengers in a time of truce, when going under the sanctity of a flag with a message to the chiefs of his neighborhood; . . . he had forfeited his life by the laws and usages of war. . . .

. . . It was my duty to the country to detain them, and I directed that all should be securely detained.

. . . Osceola had by his repeated violations of the usages of war forfeited his life, particularly by his attempt to use a flag for hostile purposes at Saint Augustine, which made him a spy. . . in place of punishing him, I sent him out of the country to Charleston, a prisoner. In my course on that occasion I was influenced alone by the high obligations of public duty; and if called upon to act in a similar case today, were the circumstances the same, I should consider it my duty to the country to act as I acted then.

TH. S. JESUP

Gen. Jesup here goes much beyond his official reports. Possibly his spy accusation and the suggested hanging, if they had any foundation, had grown through resentment and through the years in the mind of an old man of seventy.

Some months before the seizure, General Jesup, in a report to Secretary of War Poinsett, wrote (June 7, 1837) :⁴

"... The principal chiefs met me in council on the 1st. inst. and I might have seized them and captured their camp;

4. *Am State Papers. Military Affairs*, vol. VII. p. 872.

but such an act would have been an infraction of the treaty, and the capture of 2 or 3 hundred Indians would have been a poor compensation for the violation of the national faith. The Indians now have no confidence in our promises, and I, as the representative of the county here, was unwilling to teach a lesson of barbarism to a band of savages

REPORT OF GENERAL HERNANDEZ ON HIS SEIZURE OF THE INDIANS

Headquarters Forces East of the St. John's,⁵
 St. Augustine, October 22, 1837

Major General Th. S. Jesup
 Commanding army of the South
 General:

The Indian chief Coacoochee having, conformably to his engagement, when he was permitted to depart from this, returned . . . and having reported that about one hundred Indians would be at Pellicer's creek on the following day, among whom would be Oseola and Coa Hajo, I proceeded. . . to meet these Indians . . . and I procured a promise from them to move northwardly to the neighborhood of Fort Peyton.⁶

On the. . . 20th . . . John Cavallo, with another Indian, accompanied by Lieutenant Peyton, arrived in town, with information that Oseola and Coa Hajo, with the Indians, had encamped near Fort Peyton, and stating that they expected to see me there on the following morning. . . the 21st . . . Leaving Fort Peyton, I found the Indians encamped about a mile south of that post. . .

. . . I had given the necessary instructions to Major Ashby to ensure their capture if it should become necessary. . . believ-

5. 25th Cong. 2nd. H. Rep. *War Dept.* Doc. 327, p. 5.

6. This contradicts Gen. Jesup's statement that Osceola had come into Ft. Peyton ". . . not on my invitation nor that of any other officer"; also, his stated belief that Osceola and his band were on the way to attack Ft. Marion and free Philip.

ing from the dispositions of the Indians that they did not mean to surrender, they were completely surrounded in about ten minutes after I reached their encampment. I found there Oseola and Coa Hajo, with a force which I then estimated at about sixty warriors.

In the prosecution of my purposes in this interview, I learned that the Indians were perfectly disposed to bring in the negroes and property taken from the inhabitants during the war, but that they were by no means prepared to surrender themselves; and their answers to the questions put to them in regard to the breach of their stipulations made with you at Fort King, I conceive to be wholly evasive and unsatisfactory. Indeed, their answers were generally so. From these circumstances, and agreeably to your express order, conveyed to me during the *talk*, that they should be made prisoners, I gave a signal, previously agreed on, and the troops closed in on them. . . .

. . . I have little doubt that the purposes of the Indians were far from being such as might have been expected under the circumstances; and I am convinced, on our determination to capture them, that nothing but the promptitude and efficiency of the movements of the troops under my command prevented the effusion of blood; for the arms of the enemy, artfully covered by deer-skins, as if carelessly thrown on the ground occupied by them, were ready and evidently prepared for action, and to prevent surprise. . . .

On my way [there] . . . I met 74 negroes, brought in by the Indians. . . .

Accompanying this, I beg to transmit to you a minute of the *talk* held with these Indians, which will show the answers given to the questions you desired me to put to them; from all which, it is manifest that they had not come here with an intention of remaining.

I have the honor to be, general, with much respect, your obedient servant,

JOSEPH M. HERNANDEZ,
Brig Gen'l com'g.

"Notes of a talk between Brigadier General Hernandez and the Indian chiefs Osinyohola (or Powell) and Coahajo, on the 21st October, 1837, taken by Major K. B. Gibbs, aid-de-camp. [Interpreter not stated.]

General. What people have come with you?

Chiefs. All that are well and they could gather.

General. I speak to you as a friend: what induced you to come?

Chiefs. We come for good. . . .

General. What do you expect from me?

Chiefs. We don't know.

General. Have you come to give up to me as your friend?

Chiefs. No, we did not understand so; word went from here, and we have come; we have done nothing all summer, and want to make peace.

General. In what way to make peace?

Chiefs. They thought they would come in and make peace, with liberty to walk about.

General. Are you ready to give up all the property that you have captured?

Chiefs. We intend to do so, to bring in what is due to the white people; We have brought a good many negroes in now.

General. Why did not Micanopy, Jumper, and Cloud, come instead of sending a message?

Chiefs. They all got the measles and could not come.

General. What word did they send by you?

Chiefs. When they get stronger they will come and see you.

General. I am an old friend of Philip's and wish you all well; but we have been deceived so often, that it is necessary for you to come with me; you can send out a messenger; you shall stay with me and none of you shall be hurt. . . .

Chiefs. We will see about it. . . .

General. I have brought Blue Snake to prove what I say is true.

Blue Snake said that all the General said is true. But he understood the Indians were to be allowed to return. . . .

"The arms and baggage of the Indians were now ordered to be collected, and the line of march taken up for St. Augustine.

K. B. GIBBS, A.D.C."

Captain N. S. Jarvis, an Army Surgeon, was present at the seizure. He writes: ⁷

"In a conference of Gen. H. [Hernandez] with Philip [Seminole chief] it was proposed to send out Coacoohy and another Indian to induce Powell, whose camp they represented to be not far off, to come in for the ostensible purpose of having a talk. Coacoohy was sanguine he could induce him to do so. He was to carry a talk of Philip to him, and said he would be absent about 10 or 12 days. At the expiration of that time he return'd, bringing word that Powell was coming and would be in [in] a day or two. Within that time intelligence was sent to St. Augustine that the renown'd Os-cin-ye-hola or Powell Osceola with 80 of his warriors was waiting within a mile of Camp Peyton 7 miles from town, and the Gen'l. immediately set out to hold a *talk* and what was pretty well known before to take him and his party. . . .

7. Capt. N. S. Jarvis: "An Army Surgeon's Notes on Frontier Service, 1833-48." *Journal of the Military Service Institution*. Sept.-Oct. 1906.

"On our arrival at their camp which we discovered at a short distance by a white flag flying,⁸ the Indians immediately gather'd around us shaking hands with all the officers. My attention was of course first directed to discover Os-cin-ye-hola. He was soon pointed out to me, but I could have designated him by his looks as the principal man among them. Nothing of savage fierceness or determination mark'd his countenance, on the contrary his features indicated mildness and benevolence. A continued smile played over his face, particularly when shaking hands with the officers present.

"After an extended talk the Gen'l lifted a signal agreed upon and the troops closed in."⁹

Samuel Forry, another Army surgeon, in letters to Lieut. J. W. Phelps,¹⁰ wrote of the seizure:

(St. Augustine, October 19, 1837) ". . . The Indians have not the least idea of emigrating. . . . If these people once get into our power they will be held as fast as the old Fort can make them. . . . They come with the view of having a talk and a ball play, and eating and drinking. Gen. Jesup and staff got here yesterday, doubtless concocting some direful plans to entrap the poor savage. (October 21, 1837): Powell's camp was about a mile from the fort [Peyton] and he received us standing beneath a white flag. . . . The Indians bore it like philosophers. . . ."

8. To the southeastern Indian white signified peace, and a general custom was to wear a white plume or wing when on a peaceful mission: Adair, James: *The History of the American Indians*. London, 1775, p. 159; Swanton, John R.: *44th An. Rep. Bur. Eth.* p. 238. For a striking example of the use by the Seminoles of a flag made of white heron's wings see: Coe, C. H.: *Red Patriots*, 1898, p. 196.

9. Jesup to Jones, Oct. 2, 1837: (MA. 348) "The Seminole chief Coacoochee having come in as the bearer of a flag, I have on full consideration of all the circumstances of the case considered it due to the sanctity of the flag to permit him to return." Also: Jesup to Sec. War, Feb. 17, 1837: "Abraham has just come in with a flag. . . ."

10. *Florida Historical Quarterly*, VII (July, 1928) pp. 88,90.

John Ross, a Cherokee Indian of high character, with a number of his band, were brought to Florida by the War Department to endeavor to induce the Indians to surrender and emigrate to the West. The following is a part of Ross's report to Sec. of War Poinsett relating to the seizure of Micanopy's band under a white flag on orders of Gen. Jesup.

Washington City, January 2, 1838 ¹¹

Hon. Joel R. Poinsett

Secretary of War

Sir: . . . the Cherokee deputation who were charged with the duty of endeavoring to restore peace between the Seminole Indians and the United States, in the character of mediators . . . penetrated the deep swamps and hammocks of Florida, under the escort of Coahachee, one of the captive chiefs; . . . they met the Seminole and Mickasucky chiefs and warriors in council, and there delivered to them the talk which I, with your approbation, had sent them. After reading and fully explaining its import through the interpreter, the assembled chiefs and warriors at once agreed to receive it in friendship, as coming through their red brethren the Cherokees, with the utmost sincerity and good feelings, from their elder brother the Secretary of War, who represents their father, the President of the United States. When the usual Indian ceremonies on this occasion, in smoking the pipe of peace, &c., were concluded, Micanopy, the principal chief, with twelve others of his chieftains, and a number of their warriors, agreed to accompany the Cherokee deputation, and accordingly went with them, under a flag of truce, into the headquarters of the United States army, at Fort Mellon. After this successful meeting, further steps were taken for inviting all the people to go in; and whilst some were coming in, the escape of Wild-cat from the fort at St. Augustine, and other events altogether beyond the control

11. H. Rep. Doc. 327: note 5 above.

of the Cherokee deputation, produced a sudden and unexpected distrust and change of determination in the minds of the chiefs and warriors of the nation who were still out in their fastnesses. Upon being informed of this fact, it is reported that General Jesup immediately ordered his troops to be put in motion for hostile operations, and also caused all the chiefs and warriors who had come in under the Cherokee flag to be forthwith made prisoners of war; they were then placed in the hold of a steamboat, and shipped to the fort at St. Augustine, and there imprisoned. . . . Under this extraordinary state of the affair, [!] it has become my imperious though painful duty, for the defence of my own reputation, as well as that of the deputation who acted under my instructions, for carrying out the humane objects of this mediation; also, in justice to the suffering chiefs and warriors, whose confidence in the purity of our motives, as well as in the sincerity of the Government, by the assurances held out to them under your authority in my talk, had thus placed themselves under the flag of truce before the American army, and I do hereby, most solemnly protest against this unprecedented violation of that sacred rule which has ever been recognised by every nation, civilized and uncivilized, of treating with all due respect those who had ever presented themselves under a flag of truce before their enemy, for the purpose of proposing the termination of a warfare.¹² Moreover, I respectfully appeal to and submit for your decision, whether justice and policy do not require at your hands that these captives should be forthwith liberated, that they may go and confer with their people, and that whatever obstacles may have been thrown in the way of their coming in to make peace may be removed. In a word, under all the circumstances of the case,

12. Catlin (*op. cit.* p. 220) who, through an interpreter, had many talks with Osceola ("a most extraordinary man") while painting his portrait, was told of the war and "...the mode in which they were captured, of which they complain bitterly."

so far as the particular captives alluded to are concerned, I feel myself called upon, by every sense of justice and honor, to ask that they may be released and placed at liberty, to determine with their people what to do under all the circumstances of their affairs, as freely and untrammelled as they were previous to the council held with them by the Cherokee mediation, as it was through the influence of the Cherokee talk they had consented to go under the flag of truce into (General Jesup's headquarters. . . .

JOHN ROSS. [Koo-we-skoo-we.]

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The seizure of Osceola was made good use of by the politicians of the period in attacks of the opposition upon the Van Buren administration; and the abolitionists also picked up and used the incident in their continuous campaigns. Whatever seed was sown by either, fell on very fertile soil, and the harvest has made Osceola famous from then until today.